

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

GERALD DEWEY HENDERSON §
v. § CIVIL ACTION NO. 9:05cv104
JOHNNY MASON, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Gerald Henderson, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On May 17, 2005, the Magistrate Judge ordered Henderson to file an amended complaint setting out his claims with more factual specificity. Henderson received a copy of this order on May 25, 2005, but did not comply.

On July 11, 2005, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. On July 26, 2005, Henderson filed a response saying that he needed an additional 60 days in which to respond to the Report. To date, however, Henderson has neither filed a response to the Magistrate Judge's Report, nor has he complied with the order to file an amended complaint, despite having over four months in which to do so. Instead, he makes vague and conclusory allegations that he is somehow being denied access to court. Henderson's objections are without merit.

The Court has conducted a careful *de novo* review of the pleadings in this cause, including the original complaint, the Report of the Magistrate Judge, the Plaintiff's response thereto,

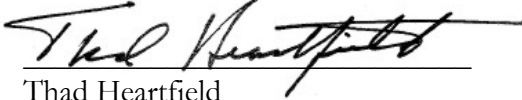
and all pleadings, documents, and records in the case. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's response has no merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to prosecute or to obey an order of the Court. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

SIGNED this the **18** day of **October, 2005**.


Thad Heartfield
United States District Judge